

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 60th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON BUSINESS AND LABOR**

**Call to Order:** By Chairman Scott Mendenhall, on February 23, 2007 at 8:00 A.M., in Room 172 Capitol.

#### **ROLL CALL**

**Members Present:**

Rep. Scott Mendenhall, Chairman (R)  
Rep. Jim Keane, Vice Chairman (D)  
Rep. Mike Milburn, Vice Chairman (R)  
Rep. Elsie Arntzen (R)  
Rep. Shannon Augare (D)  
Rep. Scott Boggio (R)  
Rep. Ernie Dutton (R)  
Rep. Kevin T. Furey (D)  
Rep. Ralph Heinert (R)  
Rep. Llew Jones (R)  
Rep. Harry Klock (R)  
Rep. Michele Reinhart (D)  
Rep. Wayne Stahl (R)  
Rep. Bill Thomas (D)  
Rep. Kendall Van Dyk (D)

**Members Excused:** Rep. Jonathan Windy Boy (D)

**Members Absent:** None

**Staff Present:** Bart Campbell, Legislative Branch  
Nancy Kraft, Committee Secretary

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

**Committee Business Summary:**

Hearing & Date Posted: HB 745, 2/19/2007; HB 749,  
2/19/2007; HB 756, 2/19/2007; HB  
779, 2/19/2007

Executive Action: HB 730; HB 738; HB 764; HB 790; HB 745;  
HB 749; HB 756; HB 779; HB 605; HB 29;  
HB 654

**HEARING ON HB 749**

**Opening Statement by Sponsor:**

00:02:58 Rep. Jill Cohenour (D), HD 78, opened the hearing on HB 749, Government storage, display of social security numbers.

[EXHIBIT\(buh41a01\)](#)

**Proponents' Testimony:** None

**Opponents' Testimony:** None

**Informational Testimony:**

00:08:05 Cheryl Wood, Montana Association of Counties

**Questions from Committee Members and Responses:**

00:09:10 Rep. Milburn  
00:09:22 Rep. Cohenour  
00:09:40 Rep. Mendenhall  
00:09:54 Rep. Cohenour

**Closing by Sponsor:**

00:10:09 Rep. Cohenour

**HEARING ON HB 756**

**Opening Statement by Sponsor:**

00:11:06 Rep. Llew Jones (R), HD 27, opened the hearing on HB 756, Revise workforce training grant eligibility.

[EXHIBIT\(buh41a02\)](#)

**Proponents' Testimony:**

00:19:15 Andy Poole, Department of Commerce  
00:21:38 Gary Amestoy, Richland County Economic Development Corporation

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:22:55 Rep. Mendenhall  
00:23:39 Rep. Jones  
00:24:19 Rep. Furey  
00:24:13 Rep. Jones  
00:24:44 Rep. Mendenhall  
00:25:08 Mr. Poole  
00:27:05 Rep. Keane  
00:27:22 Mr. Poole

**Closing by Sponsor:**

00:30:15 Rep. Jones

**HEARING ON HB 745**

**Opening Statement by Sponsor:**

00:34:24 Rep. JP Pomnichowski (D), HD 63, opened the hearing on  
HB 745, Authorize county occupancy permits.

**Proponents' Testimony:**

00:37:09 Michael Harris, Gallatin County Legislative Liaison  
[EXHIBIT \(buh41a03\)](#)  
00:40:39 Brett Waters, Fire Chief, Central Fire District,  
Gallatin County Fire Warden  
00:42:48 Cheryl Wood, Montana Association of Counties

**Opponents' Testimony:** None

**Informational Testimony:**

00:43:34 Tim Lloyd, Department of Labor and Industry

**Questions from Committee Members and Responses:**

00:43:56 Rep. Milburn  
00:44:10 Rep. Pomnichowski  
00:44:51 Rep. Dutton  
00:45:24 Mr. Harris  
00:46:13 Rep. Arntzen  
00:46:37 Ms. Wood  
00:46:55 Mr. Harris  
00:48:40 Rep. Arntzen  
00:48:55 Mr. Harris

00:49:38 Rep. Heinert  
00:50:10 Rep. Pomnichowski  
00:50:51 Harold Blattie, Montana Association of Counties  
00:52:17 Rep. Heinert  
00:52:10 Bart Campbell  
00:53:56 Rep. Mendenhall  
00:54:31 Rep. Pomnichowski  
00:54:34 Mr. Harris  
00:55:24 Rep. Mendenhall  
00:55:50 Mr. Harris  
00:57:15 Mr. Blattie  
00:58:01 Mr. Harris  
00:59:15 Rep. Heinert  
00:59:45 Mr. Harris  
01:01:03 Rep. Reinhart  
01:01:30 Mr. Harris  
01:02:30 Rep. Keane  
01:02:48 Mr. Blattie

**Closing by Sponsor:**

01:03:18 Rep. Pomnichowski

**HEARING ON HB 779**

**Opening Statement by Sponsor:**

01:05:26 Rep. Betsy Hands (D), HD 99, opened the hearing on HB 779, Regulate mercury-added thermostats.

**Proponents' Testimony:**

01:11:07 Erin Thompson, Women's Voices for the Earth

[EXHIBIT \(buh41a04\)](#)

01:14:42 Anna Peterson, Montana Environmental Information Center

**Opponents' Testimony:**

01:15:49 Brad Griffin, Montana Retail Association

01:19:03 Carl Schweitzer, Associated Plumbing and Heating Contractors of Montana

**Informational Testimony:**

01:20:27 Louise Moore, Department of Environmental Quality

**Questions from Committee Members and Responses:**

01:20:51 Rep. Mendenhall  
01:21:12 Ms. Moore  
01:21:48 Rep. Dutton  
01:22:28 Ms. Moore

**Closing by Sponsor:**

01:23:18 Rep. Hands  
01:24:17 Break

**EXECUTIVE ACTION ON HB 730**

01:55:45 **Motion:** Rep. Heinert moved that HB 730 **DO PASS.**  
01:56:31 **Motion:** Rep. Heinert moved that HB 730 **BE AMENDED.**  
**EXHIBIT**(buh41a05)

**Discussion:**

01:58:25 Rep. Dutton  
01:59:47 Rep. Milburn  
02:00:51 **Vote:** Motion failed 8-8 by roll call vote with Reps. Furey, Heinert, Keane, Reinhart, Stahl, Thomas, Van Dyk, and Windy Boy voting aye. Rep. Windy Boy voted by proxy.

**Discussion:**

02:02:03 Rep. Keane  
02:02:24 Rep. Heinert  
02:04:17 Rep. Jones  
02:05:00 **Vote:** Motion failed 7-9 by roll call vote with Reps. Boggio, Furey, Heinert, Reinhart, Thomas, Van Dyk, and Windy Boy voting aye. Rep. Windy Boy voted by proxy.  
02:05:57 **Substitute Motion/Vote:** Rep. Milburn made a substitute motion that HB 730 **BE TABLED AND THE VOTE REVERSED.** Substitute motion carried unanimously by voice vote.

**EXECUTIVE ACTION ON HB 738**

02:06:42 **Motion:** Rep. Milburn moved that HB 738 **DO PASS.**  
02:06:52 **Motion:** Rep. Milburn moved that HB 738 **BE AMENDED.**  
**EXHIBIT**(buh41a06)  
**EXHIBIT**(buh41a07)

**Discussion:**

02:09:44 Rep. Mendenhall

02:10:29 **Vote:** Motion carried unanimously by voice vote. Rep. Windy Boy voted by proxy.

02:10:50 **Motion:** Rep. Milburn moved that HB 738 **DO PASS AS AMENDED.**

02:11:08 **Motion:** Rep. Stahl moved that HB 738 **BE AMENDED.**  
**EXHIBIT**(buh41a08)

**Discussion:**

02:13:13 Rep. Arntzen

02:13:29 Rep. Stahl

02:14:13 Rep. Dutton

02:14:27 Bart Campbell

02:15:28 Rep. Mendenhall

02:15:43 Rep. Stahl

02:16:07 **Vote:** Motion carried unanimously by voice vote. Rep. Windy Boy voted by proxy.

02:16:28 **Motion:** Rep. Milburn moved that HB 738 **DO PASS AS AMENDED.**

**EXHIBIT**(buh41a09)

**Discussion:**

02:16:46 Rep. Mendenhall

02:17:52 Rep. Arntzen

02:18:27 Rep. Van Dyk

02:20:27 Rep. Jones

02:22:26 Rep. Dutton

02:24:09 Rep. Keane

02:24:52 **Vote:** Motion carried 14-2 by roll call vote with Reps. Augare and Van Dyk voting no. Reps. Windy Boy and Augare voted by proxy.

**EXECUTIVE ACTION ON HB 764**

02:26:08 **Motion:** Rep. Milburn moved that HB 764 **DO PASS.**

02:26:24 **Motion:** Rep. Furey moved that HB 764 **BE AMENDED.**  
**EXHIBIT**(buh41a10)

02:26:37 **Substitute Motion:** Rep. Milburn made a substitute motion that the amendment to HB 764 **BE AMENDED.**

**Discussion:**

02:27:05 Bart Campbell

02:28:12 **Vote:** Motion carried unanimously by voice vote. Rep. Windy Boy voted by proxy.

02:28:35 **Motion:** Rep. Milburn moved that HB 764 **DO PASS AS AMENDED.**

**EXHIBIT** (buh41a11)

**Discussion:**

02:28:55 Rep. Mendenhall

02:29:21 Rep. Augare

02:30:14 Rep. Milburn

02:30:41 **Vote:** Motion carried 15-1 by voice vote with Rep. Augare voting no. Rep. Windy Boy voted by proxy.

**EXECUTIVE ACTION ON HB 790**

02:31:28 **Motion:** Rep. Jones moved that HB 790 **DO PASS.**

02:31:42 **Motion:** Rep. Jones moved that HB 790 **BE AMENDED.**

**EXHIBIT** (buh41a12)

**Discussion:**

02:33:41 Bart Campbell

02:34:02 **Vote:** Motion carried unanimously by voice vote. Rep. Windy Boy voted by proxy.

02:34:13 **Motion:** Rep. Jones moved that HB 790 **DO PASS AS AMENDED.**

**Discussion:**

02:34:24 Rep. Keane

02:34:59 Rep. Mendenhall

02:35:17 **Vote:** Motion carried unanimously by voice vote. Rep. Windy Boy voted by proxy.

**EXECUTIVE ACTION ON HB 745**

02:36:37 **Motion:** Rep. Keane moved that HB 745 **DO PASS.**

**Discussion:**

02:36:55 Rep. Keane  
02:37:16 Rep. Dutton  
02:38:16 Rep. Reinhart  
02:38:57 Rep. Mendenhall  
02:39:30 Bart Campbell  
02:40:12 Rep. Keane  
02:41:29 Rep. Milburn  
02:41:45 Rep. Furey  
02:42:15 Rep. Reinhart

02:42:35 **Vote:** Motion failed 7-9 by roll call vote with Reps. Augare, Furey, Keane, Reinhart, Thomas, Van Dyk, and Windy Boy voting aye. Rep. Windy Boy voted by proxy.

02:43:25 **Substitute Motion/Vote:** Rep. Milburn made a substitute motion that HB 745 **BE TABLED AND THE VOTE REVERSED**. Substitute motion carried unanimously by voice vote. Rep. Windy Boy voted by proxy.

**EXECUTIVE ACTION ON HB 749**

02:44:02 **Motion:** Rep. Milburn moved that HB 749 **DO PASS**.

**Discussion:**

02:44:13 Rep. Boggio  
02:44:37 Rep. Van Dyk  
02:45:19 Rep. Keane  
02:46:22 Rep. Augare  
02:46:55 Rep. Mendenhall  
02:48:11 Rep. Keane

02:48:45 **Vote:** Motion failed 8-8 by roll call vote with Reps. Augare, Furey, Jones, Klock, Reinhart, Thomas, Van Dyk, and Windy Boy voting aye. Rep. Windy Boy voted by proxy.

**EXECUTIVE ACTION ON HB 756**

02:49:50 **Motion:** Rep. Jones moved that HB 756 **DO PASS**.

**Discussion:**

02:50:24 Rep. Mendenhall  
02:51:03 Rep. Milburn  
02:51:25 Rep. Jones



02:52:08 **Vote:** Motion carried unanimously by voice vote. Rep. Windy Boy voted by proxy.

**EXECUTIVE ACTION ON HB 779**

02:52:43 **Motion:** Rep. Van Dyk moved that HB 779 **DO PASS**.

**Discussion:**

02:52:58 Rep. Stahl

02:53:36 Rep. Reinhart

02:53:57 **Substitute Motion/Vote:** Rep. Milburn made a substitute motion that HB 779 **BE TABLED**. Substitute motion carried 10-6 by roll call vote with Reps. Augare, Furey, Keane, Reinhart, Van Dyk, and Windy Boy voting no. Rep. Windy Boy voted by proxy.

**EXECUTIVE ACTION ON HB 605**

02:55:03 **Motion:** Rep. Keane moved to **RECONSIDER HB 605** previously tabled on 02/20/07.

**Discussion:**

02:55:57 Rep. Stahl

02:56:02 Rep. Keane

02:56:32 Rep. Milburn

02:56:48 Rep. Arntzen

02:58:27 **Vote:** Motion failed 8-8 by roll call vote with Reps. Arntzen, Augare, Furey, Keane, Reinhart, Thomas, Van Dyk, and Windy Boy voting aye. Rep. Windy Boy voted by proxy.

**EXECUTIVE ACTION ON HB 29**

02:58:30 **Motion:** Rep. Augare moved to **RECONSIDER HB 29** previously tabled on 01/18/07.

**Discussion:**

02:59:40 Rep. Arntzen

03:01:21 Rep. Mendenhall

03:01:52 Rep. Van Dyk

03:04:15 Rep. Dutton

03:05:07 Rep. Reinhart

03:06:13 Rep. Keane

03:07:29 Rep. Augare

03:09:48 Rep. Jones

03:12:13 Rep. Mendenhall

03:13:27 **Vote:** Motion failed 6-10 by roll call vote with Reps. Augare, Furey, Reinhart, Thomas, Van Dyk, and Windy Boy voting aye. Rep. Windy Boy voted by proxy.

**EXECUTIVE ACTION ON HB 654**

03:14:16 **Motion:** Rep. Reinhart moved to **RECONSIDER HB 654** previously tabled on 02/20/07.

**Discussion:**

03:15:06 Rep. Reinhart

03:16:23 Rep. Jones

03:18:21 Rep. Dutton

03:19:37 Rep. Milburn

03:20:38 Rep. Keane

03:21:29 **Vote:** Motion failed 7-9 by roll call vote with Reps. Augare, Dutton, Furey, Keane, Reinhart, Van Dyk, and Windy Boy voting aye. Rep. Windy Boy voted by proxy.

**ADJOURNMENT**

03:22:40 Adjournment: 12:00 P.M.

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REP. SCOTT MENDENHALL, Chairman

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NANCY KRAFT, Secretary

SM/nk

Additional Exhibits:

**EXHIBIT ([buh41aad.pdf](#))**